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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Draft resolution submitted by the Chairperson

Situation of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] United Nations, Treaty Series, vol. 75, Nos. 970-973.

[4] Ibid., vol. 1125, Nos. 17512 and 17513.

[5] Resolution 260 A (III).

and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment[6] and the Convention on the Rights of the Child,[7] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[8]

Recalling all its relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan[9] and of the conclusions and recommendations contained therein;

2. Expresses concern at the numerous and consistent reports of human rights abuses and violations of humanitarian law and human rights, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, and freedom of opinion, expression and association;

3. Expresses its deep concern at the intensification of armed hostilities in Afghanistan, and calls on all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation;

4. Calls on all the Afghan parties fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, and in particular the right to life, liberty and security of person, and freedom of opinion and expression;

5. Urges all the Afghan parties fully to respect accepted humanitarian rules and act in accordance with all human rights and fundamental freedoms, including the rights of women and children, and calls upon the Afghan authorities to take measures to ensure the effective participation of women in social, political and cultural life throughout the country;

6. Deeply deplores the grave deterioration of the human rights of women noted by the Special Rapporteur in his report, and urges the Afghan authorities immediately to restore respect for all human rights of women, including the right of women to work and the right of girls to education without

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[6] Resolution 39/46, annex.

[7] Resolution 44/25, annex.

[8] Resolution 38/180, annex.

[9] A/51/481.

discrimination, and calls upon Afghanistan to ratify the Convention on the Elimination of Discrimination against Women, to which it is a signatory;

7. Urges all the Afghan parties to work closely with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the eventual establishment of a democratic Government elected through free and fair elections based on the right to self-determination of the peoples of Afghanistan;

8. Demands that all Afghan parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel as well as their premises in Afghanistan and cooperate fully with the United Nations and associated bodies as well as with other humanitarian organizations and agencies;

9. Strongly urges all parties to the conflict to take all necessary measures to ensure the safety of all personnel of humanitarian organizations and representatives of the media in Afghanistan;

10. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Mohammed Najibullah, and of his brother, and their subsequent summary execution;

11. Urges the Afghan authorities to provide efficient and effective remedies to the victims of grave violations of human rights and of accepted humanitarian rules and to bring their perpetrators to trial in accordance with internationally accepted standards;

12. Invites the United Nations Educational, Scientific and Cultural Organization to entrust the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation with the mandate, upon the invitation and with the cooperation of the Afghan authorities, of examining ways and means to restore the Kabul Museum, including through the tracing of the country's stolen articles, to propose measures aimed at preventing the illicit import, export and transfer of ownership of artefacts belonging to the Kabul Museum and to report thereon to the Executive Board of the United Nations Educational, Scientific and Cultural Organization;

13. Appeals to Member States and to the international community to provide adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries, pending, and with a view to encouraging, their voluntary repatriation;

14. Urges the authorities in Afghanistan to continue to extend their cooperation to the Commission on Human Rights and its Special Rapporteur;

15. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

16. Decides to keep the situation of human rights in Afghanistan under consideration at its fifty-second session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.